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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

USCG-2004-19416-2

33 CFR Part 165

[CGD01-04-006]

RIN 1625-AA00, AA87, AA08

Regulated Navigation Area, Anchorage Grounds, Safety and Security Zones; Tall Ships Environmental Festival, New London, Port of New London, CT

AGENCY: Coast Guard, DHS.

ACTION: Temporary Final Rule.

SUMMARY: The Coast Guard is establishing a regulated navigation area, anchorage grounds, and safety and security zones in Niantic Bay, Long Island Sound, the Thames River and New London Harbor for the Tall Ships Environmental Festival. These regulations will provide for the safety of life and property on the navigable waters of the United States and for the security of participating tall ships during the Tall Ships Environmental Festival, New London, Connecticut. This action restricts vessel traffic in portions of Niantic Bay, Long Island Sound, the Thames River, and New London Harbor.

DATES: This rule is effective on July 21, 2004 and July 22, 2004.

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ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD01-04-006 and will be available for inspection or copying at Group/MSO Long Island Sound, New Haven, CT, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant A. Logman, Waterways Management Officer, Coast Guard Group/Marine Safety Office Long Island Sound at (203) 468-4429.

SUPPLEMENTARY INFORMATION:

Regulatory History

On May 13, 2004, we published a notice of proposed rulemaking (NPRM) entitled "Regulated Navigation Area, Anchorage Grounds, Safety and Security Zones; Tall Ships Environmental Festival, New London, Port of New London, CT" in the Federal Register (69 FR 26526). We received one comment on the rule in the form of a chart with recommended parade route changes for vessels participating in the Parade of Sail. No changes have been made to the regulatory text as a result of this comment. No public hearing was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the Federal Register. Due to the gravity of the event and the amount of public interest anticipated, the Coast Guard finds good cause for the safety and security of the

maritime community, the public at large, and the participating vessels.

Background and Purpose

The Port of New London, Connecticut will host the Tall Ships Environmental Festival from July 22 to 25, 2004. This visit of Class A, B, and C sailing vessels is part of an annual series of sail training races, rallies, cruises and port festivals organized by the American Sail Training Association in conjunction with host ports in the United States (U.S.) and Canada. The Tall Ships visit to New London is being sponsored by the Tunza International Children's Conference on the Environment (ICCE) that will take place in New London, Connecticut from 19-23 July 2004. The Fifth International Children's Conference on the Environment, sponsored by the United Nations Environment Program, will host approximately 600 Children from 100 Countries to discuss issues of critical importance to the environment. Tied into the conference, the Tall Ships visit to New London will have a unique environmental focus.

The Tall Ships visit to New London, which will occur from July 22-25, will include a Parade of Sail on July 22, 2004. Approximately 14-20 Class A, B, and C vessels are expected to participate in the Parade of Sail. These regulations will provide for the safety of life and property on the navigable waters of the United States by preventing the large number of

participating and spectator vessels from interfering with the organized Parade of Sail. There will be vessels participating in the event from several foreign countries and the high visibility of this event warrants that both safety and security zones be established to safeguard participating vessels, their crews and the maritime public from sabotage or other subversive acts, accidents, or other hazards of a similar nature.

Under these regulations, the Tall Ships and participating vessels will anchor in Niantic Bay on July 21, 2004. On July 22, 2004, the Tall Ships and participating vessels will transit from Niantic Bay via Long Island Sound and the Thames River Federal Channel to the Port of New London. Most participating vessels will then berth at the Admiral Shear State Pier; three will also berth at City Pier in New London. The remainder of the vessels not participating in the Tall Ships Festival or otherwise berthing in the Port of New London are expected to sail back to Long Island Sound following their participation in the parade down the west side of the Channel.

These regulations create vessel movement controls, safety and security zones for the Parade of Sail and temporary anchorage regulations. The regulations are in effect at various times in Niantic Bay, Long Island Sound, and New London Harbor on July 21 and July 22, 2004. Vessel congestion due to the large number of participating and spectator vessels poses a

significant threat to the safety of life and property. This temporary rulemaking is necessary to ensure the safety of life and property on the navigable waters of the United States and to safeguard participating vessels, their crews and the maritime public from sabotage or other subversive acts, accidents, or other hazards of a similar nature.

During the effective date of this regulation, vessel transits may also be directed through the vessel operating restrictions imposed by 33 CFR 165.153. These regulations impose operating, inspection and reporting requirements for vessels and create regulated areas surrounding vessels in commercial service, including ferries.

Regulated Navigation Area

The Coast Guard is establishing one temporary regulated navigation area in Niantic Bay (Regulated Area A) from July 21-22, 2004. Temporary Regulated Area A is needed to protect the maritime public and participating vessels from hazards to navigation associated with the overnight anchoring of a large number of tall ships and their departure prior to the beginning of the Parade of Sail into New London Harbor on July 22, 2004.

Regulated Area A includes all waters of Niantic Bay located on Long Island Sound within the following boundaries: Beginning at a point 300 yards, bearing 203 deg. T from Wigwam Rock 41°18'53"N, 072°11'48" W, then to 41°18'53" N, 072°10'38" W, then

to 41°16'40" N, 072°10'38" W, then to 41°16'40" N, 072°11'48" W. All coordinates are North American Datum (NAD) 1983. This regulated area is effective from 6 a.m. July 21, 2004 to 2 p.m. July 22, 2004.

Vessels transiting Regulated Area A must do so at no wake speed or at speeds not to exceed 6 knots, whichever is less. Vessels transiting Regulated Area A must not maneuver within 100 yards of a tall ship or other vessel participating in the Tall Ships Environmental Festival, unless authorized by the Captain of the Port (COTP) or the COTP's on-scene representative. On-scene representatives are commissioned, warrant, and petty officers of the U.S. Coast Guard.

Anchorage Regulations

The Coast Guard, after receiving the views and opinions of the Chief of Engineers, Army Corps of Engineers, Concord, MA, and the Commander, Navy Region Northeast, is establishing temporary Anchorage regulations for participating Tall Ships Environmental Festival vessels and spectator craft. Under the regulations, current Anchorage Ground regulations in Title 33 Code of Federal Regulations (CFR) §110.147(a)(1) and (a)(3) are temporarily suspended and other Anchorage Grounds are temporarily established.

The temporary anchorage regulations will designate selected current or temporarily established anchorage grounds for

spectator or Tall Ships Environmental Festival participant vessel use only. They restrict all other vessels from using these anchorage grounds during various portions of the Tall Ships Environmental Festival event. The anchorage grounds are needed to provide viewing areas for spectator vessels while maintaining a clear parade route for the participating Tall Ships Environmental Festival vessels and to protect boaters and spectator vessels from the hazards associated with the Parade of Sail.

The Coast Guard will temporarily suspend Anchorage C, located at 33 CFR §110.147(a)(3), re-designating the same location as Anchorage G and making it exclusively for spectator vessels exceeding 50 feet in length, carrying passengers for the viewing of the Parade of Sail. Under the regulations, Anchorage G is established from 7:30 a.m. until 2 p.m., on July 22, 2004.

The Coast Guard will temporarily establish Anchorage J for use exclusively by spectator vessels exceeding 50 feet in length carrying passengers for hire for viewing Parade of Sail. Anchorage J includes all waters of the Thames River southward of New London Harbor, on the east side of the Federal Channel, within the following boundaries: Beginning at a point bearing 245°T, 480 yards from Eastern Point, 41°19'03"N, 072°04'48"W, then to position 41°18'42"N, 072°04'30"W, then to position 41°18'40"N, 072°04'45"W. All coordinates are North American

Datum (NAD) 1983. Anchorage J will be established from 7:30 a.m. until 2 p.m. on July 22, 2004.

The Coast Guard is temporarily establishing Anchorage H in Niantic Bay exclusively for the vessels participating in the Parade of Sail. Anchorage H is established from 6 a.m. on July 21, 2004 until 2 p.m. on July 22, 2004. Anchorage H shares the same bounds as Regulated Area A. Therefore, within this area, vessels must comply with both sets of rules. Hence, only vessels participating in the Tall Ships Environmental Festival will be permitted to anchor. All other vessels must transit at reduced speeds staying at least 100 yards away from any Tall Ships Environmental Festival participants.

The Coast Guard is temporarily establishing Anchorage I in the Thames River in the vicinity of the State Pier exclusively for vessels that participate in the Parade of Sail and awaiting berthing availability. Anchorage I is being established from 7:30 a.m. on July 22, 2004 until 2 p.m. on July 22, 2004.

Anchorage I is located on all waters of the Thames River in New London Harbor, in the vicinity of the State Pier within the following boundaries: Beginning at a point located on the west shoreline of the Thames River 25 yards below the Thames River Railroad Bridge, position 41°21'46"N, 072°05'23" W, then to position 41°21'46"N, 072°05'16" W then south along the western limit of the Federal Channel to position 41°20'37"N, 072°05'87"W,

then to position 41°20'37"N, 072°05'33"W, then along the shoreline to position 41°21'46"N, 072°05'23"W. All coordinates are North American Datum (NAD) 1983.

Safety and Security Zones

The Coast Guard is establishing two safety and security (safety/security) zones for the Tall Ships event.

Safety/Security Zone 1 is being established by reference to fixed coordinates. Safety/Security Zone 1 will be utilized around the Parade of Sail route and includes all waters of the Thames River in New London Harbor in the vicinity of the State Pier within the following boundaries: Beginning at a point located on the west shoreline of the Thames River 25 yards below Thames River Railroad Bridge, position 41°21'46"N, 072°05'23"W, then east to position 41°21'46"N, 072°05'16"W, then south along the western limit of the Federal Channel to position 41°20'37"N, 072°05'87"W, then west to position 41°20'37"N, 072°05'33"W, then along the shoreline to the starting position, 41°21'46" N, 072°05'23"W. This safety/security zone will be used as a mooring and turning area for the Parade of Sail participants upon completing their transit of the parade route and is effective from 7:30 a.m. until 2 p.m. on July 22, 2004.

Safety/Security Zone 1 consists of the same area as Anchorage I.

Safety/Security Zone 2 covers all waters of the Thames River within the following boundaries: Beginning at the east side of

the Federal Channel at the Thames River Rail Road Bridge in the Port of New London, in position 41°21'47" N, 072°05'14" W, then southward along the east side of the Federal Channel to the New London Harbor Channel Lighted Buoy ``2'' (LLNR 21790) in approximate position 41°17'38" N, 072°04'40" W, then to Bartlett Reef Lighted Bell Buoy ``4'' (LLNR 21065) in approximate position 41°15'38" N, 072°08'22" W, then north to Bartlett Reef Buoy ``1'' (LLNR 21758) in approximate position 41°16'28" N, 072°07'54" W, then to an area located, bearing 192 degrees true, approximately 325 yards from Rapid Rock Buoy ``R'' (LLNR 21770) 41°17'07" N, 072°06'09" W, then to position 41°18'04" N, 072 °04'50" W, which meets the west side of the Federal Channel, then along the west side of the Federal Channel to the Thames River Railroad Bridge in the Port of New London, in the position 41°21'46" N, 072°05'23" W. This area will be used for the parade route of Tall Ships and is effective from 7:30 a.m. until 2 p.m., on July 22, 2004. All coordinates are North American Datum (NAD) 1983. Safety/Security Zone 2 encompasses a permanent Anchorage in New London Harbor, Anchorage A, located at 33 CFR §110.147(a)(1). Anchorage A is designated for barges and small vessels drawing less than 12 feet. Use of this anchorage would be contrary to the purposes of establishing this safety/security zone. Anchorage A will therefore be suspended during the effective period of Safety/Security Zone 2. The safety and security zones

have been tailored to fit the needs of safety while minimizing the impact on the maritime community.

No vessel may enter, remain in, or transit within Safety/Security Zones 1 or 2 unless authorized by the Coast Guard Captain of the Port, Long Island Sound or his on-scene representative as described above. Each person or vessel in a safety zone shall obey any direction or order of the COTP.

The safety and security zone regulations may be enforced and punishable by the terms set forth by 33 U.S.C. 1232 and 50 U.S.C. 192 accordingly. Enforcement of violations of these regulations may include, in addition to any civil and criminal penalties authorized by 33 U.S.C. 1232 and 50 U.S.C. 192, in rem liability against the offending vessel as well as license sanctions against the offending mariner. This regulation is under the authority contained in Title 33 United States Code (U.S.C.) 1223 and 1225, 50 U.S.C. 191, and the regulations promulgated thereunder.

Discussion of Comments and Changes

One comment was received regarding this rule. The comment was received in the form of two charts from the Cross Sound Ferry. This comment recommended the following: changing the transit route of the Parade of Sail from the west side of the Thames River Federal Navigation Channel to the east side of the Channel; and allowing commercial traffic to transit in the west

side of the channel in one directional movement during the Parade of Sail. As indicated on the charts submitted, allowing the Parade of Sail to proceed along the west side of the channel would create abnormal passing situations with the operation of the Cross Sound Ferry operations to and from Orient Point, New York, since it would require the ferries to transit across the parade route. While this comment affects planning of this event, it does not effect or require a change in the regulatory text. No changes to the regulatory text from the NPRM have been made.

Other changes, however, have been made to the regulatory text. In the regulatory text of the NPRM, both Anchorages G and J stated that these anchorages are "designated for the exclusive use of commercial vessels greater than 50 feet in length carrying passengers for the viewing of the Tall Ships parade." As discussed in the NPRM preamble, however, these two anchorages are intended for commercial vessels carrying passengers for hire. The regulatory text of the regulations for each of these anchorages, located at 33 CFR Sec. 110.T01-008(b)(1) and (b)(4) has been appropriately amended from "passengers for the viewing" to "passengers for hire" to reflect the Coast Guard's intent and to provide clarity to the maritime community. Additionally, the Coast Guard removed the language in the anchorage regulation for Anchorage Ground G that states that the boundary points are

"bounded by lines," and changed the language to "bounded as follows." The Coast Guard added section (c) to the anchorage regulations identifying that the anchorage grounds in section §110.147, paragraphs (a)(1) and (a)(3), are temporarily suspended from 7:30 a.m. to 2 p.m. on July 22, 2004. Within the anchorage regulations, references to the "Enforcement periods" have been changed to "Effective periods" since the regulation will be enforced when it is effective.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule will be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. This regulation may have some impact on the public, but the potential impact will be minimized for the following reasons: the anchorage grounds, regulated area, and safety/ security zones only encompass a small portion of the Thames River/ New London Harbor and Niantic Bay, respectively, allowing sufficient room for

vessels to operate or anchor outside of the areas; the anchorage grounds, regulated area, and safety/security zones are of limited duration; commercial traffic will be allowed to proceed in a single direction in the Thames River Navigation Channel; there will be extensive advanced notifications made to the maritime community via the Local Notice to Mariners, facsimile, marine information broadcasts, local area committee meetings, and New London area newspapers. Mariners will be able to adjust their plans accordingly based on the extensive advance information. Additionally, the regulated area, anchorage grounds, and safety/security zones have been narrowly tailored to impose the least impact on maritime interests yet provide the level of safety and protection deemed necessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule will have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the

following entities, some of which may be small entities: the owners or operators of vessels intending to transit through Niantic Bay, portions of Long Island Sound, and New London Harbor on 21 and 22 July 2003. Although these regulations apply to a substantial portion of Niantic Bay and New London Harbor, designated areas for viewing the Parade of Sail have been established to allow for maximum use of the waterways by commercial tour boats that usually operate in the affected areas. Vessels, including commercial traffic, will be able to transit around the designated areas. Although vessel traffic will only be permitted to operate in one direction at a time on the Thames River, at no time will the Port of New London be closed to commercial traffic. Before the effective period, the Coast Guard will make notifications to the public via Local Notice to Mariners and broadcast notice to mariners. In addition, the sponsoring organization, ICCE, is planning to publish information of the event in local newspapers and other media outlets.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule will have a significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this rule will economically affect it.

Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 [Pub. L. 104-121], the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If this rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call Lieutenant A. Logman, Waterways Management Officer, Group/Marine Safety Office Long Island Sound, at (203) 468-4429.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and will not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

To help the Coast Guard establish regular and meaningful consultation and collaboration with Indian and Alaskan Native tribes, we published a notice in the Federal Register (66 FR 36361, July 11, 2001) requesting comments on how to best carry out the Order. We invite your comments on how this rule might impact tribal governments, even if that impact may not constitute a "tribal implication" under the Order.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy

Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action, therefore it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2-1, paragraph (34)(g) of the Instruction, from further environmental documentation. A Categorical Exclusion Determination is available in the docket where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

List of Subjects

33 CFR part 110

Anchorage grounds.

33 CFR part 165

Harbors, Marine Safety, Navigation (water), Reporting and Recordkeeping requirements, Security measures, Waterways.

Temporary Regulation

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Parts 110 and 165 as follows:

PART 110--ANCHORAGE REGULATIONS

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035 and 2071; 33 CFR 1.05-1(g); Department of Homeland Security Delegation No. 0170.1.

2. From 7:30 a.m. to 2 p.m. on July 22, 2004, in §110.147, paragraphs (a) (1) and (a) (3) are temporarily suspended.

3. From 6 a.m. on July 21, 2004 until 2 p.m. on July 22, 2004, temporarily add §110.T01-008 to read as follows:

Sec. 110.T01-008 New London Harbor, Conn.

(a) Anchorage grounds. (1) (i) Anchorage G. In the Thames River southward of New London Harbor, bounded as follows: connecting a point bearing 100°, 450 yards from New London Harbor Light, to a point bearing 270°, 575 yards from New London Ledge Light (latitude 41°18'21" N, longitude 72°04'41" W), and a point bearing 270°, 1450 yards from New London Ledge Light. All coordinates are North American Datum 1983.

(ii) Effective period. This paragraph will be effective from 7:30 a.m. until 2 p.m. on July 22, 2004.

(2) (i) Anchorage H. All waters of Niantic Bay located on Long Island Sound bounded as follows: Beginning at a point 300 yards, bearing 203 deg. T from Wigwam Rock 41°18'53"N, 072°11'48" W, then to 41°18'53" N, 072°10'38" W, then to 41°16'40" N, 072°10'38" W, then to 41°16'40" N, 072°11'48" W. All coordinates are North American Datum 1983.

(ii) Effective period. This paragraph will be effective from 6 a.m. on July 21, 2004 until 2 p.m. on July 22, 2004.

(3) (i) Anchorage I. All waters of the Thames River in New London Harbor, in the vicinity of the State Pier within the following boundaries: Beginning at a point located on the west

shoreline of the Thames River 25 yards below the Thames River Railroad Bridge, position 41°21'46"N, 072°05'23" W, then to position 41°21'46"N, 072°05'16" W (NAD 1983), then south along the western limit of the Federal Channel to position 41°20'37"N, 072°05'08.7"W, then to position 41°20'37"N, 072°05'33"W, then along the shoreline to position 41°21'46"N, 072°05'23"W. All coordinates are North American Datum 1983.

(ii) Effective period. This paragraph will be effective from 7:30 a.m. until 2 p.m. on July 22, 2004.

(4) (i) Anchorage J. All waters of the Thames River southward of New London Harbor, on the east side of the Federal Channel within the following boundaries: Beginning at a point bearing 245 deg. T, 480 yards from Eastern Point 41°19'03"N, 072°04'48"W, then to position 41°19'04"N, 072°04'33"W, then to position 41°18'42"N, 072°04'30"W, then to position 41°18'40"N, 072°04'45"W. All coordinates are North American Datum 1983.

(ii) Effective period. This paragraph will be effective from 7:30 a.m. until 2 p.m. on July 22, 2004.

(b) Regulations. (1) Anchorage G. This anchorage is designated for the exclusive use of spectator vessels exceeding 50 feet in length carrying passengers for hire for the viewing of the Tall Ships parade.

(2) Anchorage H. This Anchorage is designated exclusively for the use of vessels participating in the Parade of Tall Ships into New London Harbor.

(3) Anchorage I. This Anchorage is designated for the exclusive use of vessels participating in the Parade of Tall Ships into New London Harbor.

(4) Anchorage J. This Anchorage is designated for the exclusive use of commercial vessels greater than 50 feet in length carrying passengers for hire for the viewing of the Tall Ships parade.

(c) The anchorage grounds identified in 33 C.F.R. §110.147, paragraphs (a)(1) and (a)(3) are temporarily suspended from 7:30 a.m. to 2 p.m. on July 22, 2004.

PART 165--REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

4. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; Pub. L. 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

5. From 7:30 a.m. until 2 p.m. on July 22, 2004, temporarily add sec. 165.T01-006 to read as follows:

Sec. 165.T01-006 Safety and Security Zones: Tall Ships Environmental Festival; Port of New London, Connecticut.

(a) Regulated Area. The following areas are established as Safety and Security Zones:

(1) Safety and Security Zone 1. All waters of the Thames River in New London Harbor, in the vicinity of the State Pier within the following boundaries: Beginning at a point located on the west shoreline of the Thames River 25 yards below the Thames River Railroad Bridge, position 41°21'46"N, 072°05'23"W, then south along the western limit of the Federal Channel to position 41°20'37"N, 072°05'87"W, then to position 41°20'37"N, 072°05'33"W, then along the shoreline to position 41°21'46"N, 072°05'23"W.

(2) Safety and Security Zone 2. All waters of the Thames River and Long Island Sound within the following boundaries: Beginning at the east side of the Federal Channel at the Thames River Rail Road Bridge in the Port of New London, in position 41°21'47.0"N, 072°05'14.0"W, then southward along the east side of the Federal Channel to the New London Harbor Channel Lighted Buoy ``2'' (LLNR 21790) in approximate position 41°17'38"N, 072°04'40"W, then to Bartlett Reef Lighted Bell Buoy ``4'' (LLNR 21065) in approximate position 41°15'38"N, 072°08'22"W, then north to Bartlett Reef Lighted Buoy ``1'' (LLNR 21758) in approximate position 41°16'28"N, 072°07'54"W, then to an area located, bearing 192 degrees true, approximately 325 yards from Rapid Rock Buoy ``R'' (LLNR 21770) 41°17'07"N, 072°06'09"W, then to position 41°18'04"N, 072°04'50"W, which meets the west side of the Federal Channel, then along the west side of the Federal

Channel to the Thames River Railroad Bridge in the Port of New London, in the position 41°21'46"N, 072°05'23"W.

(b) Regulations. No vessel may transit within Safety/Security Zone 1 or 2 without the express authorization of the Coast Guard Captain of the Port, Long Island Sound, or his on-scene representative. All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by siren, radio, flashing light, or other means, the operator of the vessel shall proceed as directed.

(c) Effective period. This section is effective from 7:30 a.m. on July 22, 2004, until 2 p.m. on July 22, 2004.

6. From 6 a.m. on July 21, 2004, until 2 p.m. on July 22, 2004, temporarily add Sec. 165.T01-007 to read as follows:

Sec. 165.T01-007 Regulated Navigation Area: Tall Ships Environmental Festival, CT, Long Island Sound and the Thames River, Connecticut.

(a) Regulated Navigation Area A. The following area is a Regulated Navigation Area: All waters of Niantic Bay located on Long Island Sound bounded as follows: Beginning at a point 300 yards, bearing 203 deg. T from Wigwam Rock 41°18'53"N, 072°11'48" W, then to 41°18'53" N, 072°10'38" W, then to 41°16'40" N, 072°10'38" W, then to 41°16'40" N, 072°11'48" W. All coordinates are North American Datum 1983.

(b) (1) Vessels transiting Area A must do so at no wake speed or at speeds not to exceed 6 knots, whichever is less.

(2) Vessels transiting Area A must not maneuver within 100 yards of a Tall Ship or a Tall Ships Environmental Festival participating vessel unless they are specifically authorized to do so by Coast Guard Captain of the Port, Long Island Sound, or his on-scene representative.

(c) Effective period. This temporary final rule is effective from 6 a.m., July 21, 2004 until 2 p.m., on July 22, 2004.

Dated: 19 July 2004



David P. Pekoske
Rear Admiral, U. S. Coast Guard
Commander, First Coast Guard District